

Restriction Requirement Response  
Serial No. 10/612,079  
Docket No. ORW01-GN003

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REMARKS

Examiner Telephone Call

The Examiner telephoned Applicant's attorney of record on March 27, 2006, and left a message indicating that restriction in the instant application would be necessitated. The telephone message did not, however, give Applicant's attorney any specifics on the bases of the restriction, nor the grouping of the claims proposed by the Examiner, and indicated that a mailed Office action would be forthcoming. In light of this message, Applicant's attorney telephoned the Examiner, but was unable to reach the Examiner and left a message indicating that if election over the telephone was not available, then Applicant would respectfully request prompt mailing of the Office action detailing the restriction.

The text of the March 31 Office action on page 4 leads one to believe that Applicant's attorney declined to make an election. Any such implication is not correct. In fact, any instructions from Applicant's attorney would be necessarily predicated upon knowing the proposed groupings of the claims. The March 31 Office action is the first time that Applicant and Applicant's attorney have been apprised of the proposed claim groupings.

Instant Office Action

The March 31 Office action indicates that pending claims, 1-105, are subject to a restriction or election requirement. The Office action indicates that Applicant is required under 35 U.S.C. §121 to elect a single disclosed species for prosecution on the merits.

As indicated on Page 2 of the March 31 Office action, it is alleged that the application contains claims directed to three patentably distinct inventions: (1) Group I, corresponding to claims 1-76 and 105, drawn to a knee prosthesis and stabilizing device, classified in class 623, subclass 20.14; (2) Group II, corresponding to claims 77-91, drawn to a stabilizing device, classified in class 606, subclass 154; and (3) Group III, corresponding to claims 92-104, drawn to a method of providing stability to a knee joint, classified in class 623, subclass 23.6. Applicant hereby elects in writing to prosecute

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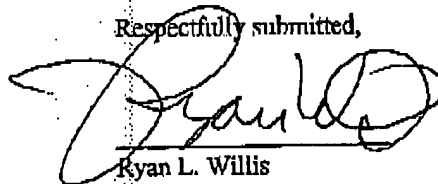
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claims 1-76 and 105, corresponding to Group I, drawn to a knee prosthesis and stabilizing device, **without traverse**. Favorable consideration of the elected claims is respectfully requested.

The Office action also alleges that the application contains claims directed to five patentably distinct species: (1) Species I, corresponding to FIG. 6; (2) Species II, corresponding to FIG. 7; (3) Species III, corresponding to FIG. 8; (4) Species IV, corresponding to FIG. 12; and (5) Species V, corresponding to FIG. 14. Applicant hereby elects in writing to prosecute claims 1-76 and 105, believed to read on Species III, **without traverse**.

In the event that the Examiner wishes to discuss any aspect of this response, please contact the undersigned at the telephone number indicated below.

Respectfully submitted,



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